

Attachment A

AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE REGARDING SIGNS (TC1100009)

WHEREAS, the Durham City Council wishes to amend certain provisions in the Unified Development Ordinance regarding signs; and

WHEREAS, it is the objective of the Durham City Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 2, Review Authority; Article 3, Applications and Permits; Article 6, District Intensity Standards; Article 11, Sign Standards; and Article 16, Definitions, of the Unified Development Ordinance are amended to make the following changes set forth in the strikethroughs and underlining below:

PART 1

[Make revisions and clarifications to procedures and process regarding signage plans]

Sec. 2.9 Durham City-County Planning Department

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 2.9.4 Powers and Duties

The Planning Director or designee shall have the following powers and duties.

- C. The Planning Director or designee shall be responsible for final action regarding the following:
 4. Applications for common and way-finding signage plans;

Sec. 2.12 Summary of Review Authority

The following table summarizes review authority under this Unified Development Ordinance.

[Portions of the table not depicted remain unchanged]

Application or Permit	Sedimentation and Erosion Control Officer	Inspections Director	Planning Director	Development Review Board	Historic Preservation Commission	Board of Adjustment	Planning Commission	Governing Body	Section
Planning Director Action									
Common and Way-Finding Signage Plans		R	D			<A>			Sec. 3.11

R = Review or Recommendation

D = Decision

A = Appeal

Sec. 3.10 Sign Permit

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 3.10.1 Applicability

Commentary: A common signage plan may be required before a sign permit can be issued (see Sec. 3.11, Common and Way-Finding Signage Plans).

Paragraph 3.10.5 Temporary Sign Permits

A temporary sign permit shall be issued in accordance with Article 11, Signs. A common signage plan pursuant to Sec. 3.11, Common and Way-Finding Signage Plans, shall not be required for applications for temporary sign permits.

Sec. 3.11 Common and Way-Finding Signage Plans

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 3.11.1 General

A. A common signage plan is required for all signs for one or more buildings or businesses within a unified development complex, as demonstrated through a development plan or approved site plan(s), even if the property is subdivided and has various owners.

1. Approval of a common signage plan is required prior to the issuance of a sign permit.

2. ~~A.~~ Internally-oriented signs not visible from the public right-of-way shall not be required to be included in a common signage plan.

3. ~~B.~~ Applications for temporary sign permits shall not be required to submit an approved common signage plan.

4. Common signage plans are not required in DD Districts.

B. A way-finding signage plan is required to allow signs pursuant to paragraph 11.6.2A.8, Way-Finding Signs.

1. Approval of a way-finding signage plan is required prior to the issuance of a sign permit.

2. A way-finding signage plan can be approved separately, or as part of, a common signage plan.

3. Internally-oriented signs not visible from the public right-of-way shall not be required to be included in a way-finding signage plan.

Paragraph 3.11.2 Application Requirements

A. The elements of common and way-finding signage plans shall be in accordance with Sec. 11.8, Elements of Common and Way-Finding Signage Plans.

B. Common and way-finding signage plan applications shall be submitted in accordance with paragraph 3.2.4, Application Requirements.

Paragraph 3.11.3 Action by the Planning Director

- A. The Planning Director, or designee, is the approving authority for common and way-finding signage plans. For signage plans within the Compact Neighborhood Tier or MU District, recommendations from the Inspections Director, or designee, and the DDRT shall be provided.
- B. The Planning Director, or designee, may allow modifications to the lettering style of a common signage plan to accommodate state and federally registered trademarks (logos) if the Planning Director, or designee, determines that the intent of the common signage plan requirements shall be maintained. In allowing the modifications, the Planning Director, or designee, may limit the logo size.

Paragraph 3.11.4 Revisions and Amendments

- A. Revisions or amendments to a common signage plan shall require documentation from all tenants on the property prior to approval. Signs erected after September 1, 1989, and subsequently made nonconforming because of an amendment to a common signage plan shall be brought into compliance with the amended plan within six months of approval of the amended plan.
- B. Revisions or amendments to way-finding signage plans are allowed by the person or entity responsible for the signage.

Paragraph 3.11.5 Appeal

Final action on a common or way-finding signage plan may be appealed in accordance with Sec. 3.16, Appeal of Administrative Decision.

Sec. 6.11 Planned Districts

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 6.11.4 University and College District (UC)

J. Signage

2. Internal Campus

The standards of Sec. 11.8, Elements of Common and Way-Finding Signage Plans, shall not apply.

PART 2

[Make revisions and add new text in regards to off-premise way-finding and entry signs, and clarifications to certain existing sign standards]

Sec. 11.2 General Requirements for Signs

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 11.2.4 Illumination

- A. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.
- B. Internally illuminated signs shall be required to have an opaque background and translucent copy.
- C. Sign lighting shall not be detrimental to adjacent residential property. Property directly across a public right of way, other than a controlled access highway, shall be considered to be adjacent property.
- D. Unless otherwise permitted within this Ordinance, signs shall not be illuminated by moving lights, flickering lights, or a string of lights placed around the sign.

~~For the purposes of this subsection, property directly across a public right of way, other than a controlled access highway, shall be considered to be adjacent property.~~

Sec. 11.3 Prohibited Signs

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 11.3.5 Off-Premise Signs

- A. A sign that directs attention to a business, commodity, service or entertainment not conducted, sold, or offered on the premises where the sign is located, or which business, commodity, service, or entertainment forms only minor or incidental activity upon the premises where the sign is displayed. The sale of a commodity shall be considered a minor activity if the commodity advertised is a specific brand or if the advertising content is not directly controlled, or has in the past not been directly controlled by the operator of the on-premise business. These product-oriented signs shall be considered on-premise signs if they comply with on-premise sign requirements.
- B. Notwithstanding the prohibition in paragraph 11.3.5A, above, the provisions of paragraph 11.2.8, Nonconforming Signs, shall apply to nonconforming off-premise signs located along federal and primary or interstate highways that were existing as of September 4, 1990, in the City or December 1, 1989, in the County and meet all requirements of paragraph 11.2.8.
- C. The prohibition of off-premise signs shall not apply to signs allowed pursuant to paragraph 11.6.2A.8, Way-Finding Signs, and paragraph 11.6.2A.9, Non-Residential Entry Signs.

Sec. 11.5 Signs Allowed in Right-of-Way

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 11.5.2 Moveable Signs on Sidewalk

- B. Within the CN, CG, and MU Districts, the additional requirements must also be met:
 - 3. When the area is located in an historic district overlay, a plan in conformance with the requirements of Sec. 11.8, Elements of Common and Way-Finding Signage

Plans, shall be reviewed by the HPC pursuant to Sec. 3.18, Certificate of Appropriateness.

Sec. 11.6 Signs Requiring Permits

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 11.6.2 Standards for Freestanding Signs

A. Nonresidential Districts and Uses

7. Medical Center Signs

- d. All signs associated with the medical center facility shall be approved as part of a common signage plan in accordance with the requirements of Sec. 11.8, Elements of Common and Way-Finding Signage Plans.

8. Way-Finding Signs

- a. Way-finding signs are allowed along a right-of-way internal to a unified development complex, as demonstrated through a development plan or approved site plan(s), even if the property is subdivided and has various owners.
- b. Signs shall function solely for the purpose of providing directional information along rights-of-way from recognized sub-sections, tenants, or areas of the development to other recognized sub-sections, tenants, or areas of the development. Referenced sub-sections, tenants, or areas can be located on different parcels other than the parcel where the sign is located.
- c. Unless explicitly altered below, all other applicable standards shall apply. Way-finding signs located internally within a property and not visible from right-of-way are exempt from the following standards.
 - (1) The information contained on the sign shall provide direction to the sub-sections, areas, or tenants within the development.
 - (2) Each sign, including supports, shall not exceed six feet in height.
 - (3) The maximum sign area per side shall be 16 square feet.
 - (4) Sign area shall not count towards the aggregate sign area allowed for the development, unless a specific tenant is listed on the sign.
 - (5) Signs shall be located along right-of-way that is interior to the unified development, and not visible from outside of the unified development.

(6) No setback is required. Signs and sign supports shall not intrude or be located within right-of-way.

(7) The number of signs allowed shall not exceed a ratio of one sign per 500 linear feet of property street frontage measured along the right-of-way on which the signs are to be located.

(8) All way-finding signs shall be approved as part of a way-finding signage plan in conformance with the requirements of paragraph 11.8.2, Elements of a Way-Finding Signage Plan.

(9) Changeable copy is prohibited.

9. Off-Premise Non-Residential Entry Signs

An off-premise, freestanding non-residential sign is allowed as an entry sign for a unified development complex, as demonstrated through a development plan or approved site plan(s), even if the property is subdivided and has various owners. Unless explicitly altered below, all other applicable standards shall apply.

- a. Signs shall be located on a property that is part of the development, or on a parcel adjacent to the development tract that is zoned non-residential or multifamily, and does not already maintain a freestanding sign within 300 feet of the proposed sign.
- b. A sign shall be allowed only at each entry to the development, and only along public right-of-way that serves as internal access to the development.
- c. The sign shall not be located or encroach within public right-of-way.
- d. A sign pursuant to paragraph 11.5.1E is not permitted at the same entry.
- e. Signs shall be included within the common signage plan for the development, as applicable.
- f. The signs may only include the development name and tenants of the development.
- g. The sign may list tenants of the development that are not on the same parcel as the sign.
- h. Tenant signage shall count towards the aggregate sign area per paragraph 11.2.2A.4 and paragraph 11.2.2B, Aggregate Sign Area.
- i. A tenant listed on the non-residential entry sign shall not maintain a separate, individual freestanding sign if the entry sign is located on the same parcel as the tenant, or if the individual tenant sign is located within 150 feet of the entry sign.
- j. A sign easement shall be recorded for the location(s) of entry signs prior to the issuance of a sign permit.
- k. Changeable copy is prohibited.

Sec. 11.8 Elements of Common and Way-Finding Signage Plans

Paragraph 11.8.31 Elements of a Common Signage Plan

[Paragraphs A-C, and E remain unchanged]

D. Letter Style

1. Description of dominant letter style and letter height to be used on the signs.
2. The Planning Director, or designee, may allow deviations to the lettering style of proposed or existing common signage plans to accommodate state and federally registered trademarks (logos) if the Planning Director, or designee, determines that the intent of the common signage plan requirements will be maintained. In allowing deviations, the Planning Director, or designee, may limit the logo size..

F. Variations

The Planning Director, or designee, may approve variations in any element or elements of a common signage plan in the Compact Neighborhood Tiers or the MU District, considering the recommendation of the DDRT, on a case-by-case basis.

Paragraph 11.8.2 Elements of a Way-Finding Signage Plan

A. Location

All proposed locations along right-of-way within the development shall be identified.

B. Size and Type

Sign sizes and types to be used shall be identified.

C. Font, Symbols, and Color

Fonts, symbols, and colors to be used shall be identified and meet the following criteria:

1. A maximum of two fonts can be used; one for the overall development name and one for the names of sub-sections or tenants of the development.
2. A maximum of two font sizes can be used; one for the overall development name and one for the sub-sections or tenants of the development.
3. If a unified development has both a common signage plan and a way-finding signage plan, the same fonts shall be used in both plans.
4. The following logos or symbols are permitted:
 - a. Logo associated with the name of the unified development.
 - b. Directional arrows.
5. A maximum of three colors plus either black or white are allowed. If a unified development has both a common signage plan and a way-finding signage plan, the same colors shall be used within both plans.

D. Lighting and Materials

The lighting and materials to be used shall be indicated.

Paragraph 11.8.3 Approval Procedure

The approval procedure for common and way-finding signage plans is set forth in Sec. 3.11, Common and Way-Finding Signage Plans.

Sec. 16.3 Defined Terms

[Definitions within this section, but not listed, remain unchanged]

Common Signage Plan: A plan delineating unifying characteristics for signs associated with a development project or complex.

Way-Finding Signage Plan: A plan delineating unifying characteristics for way-finding signs associated within a development project or complex.

Way-Finding Sign: A sign designed to convey location and direction.

PART 3

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

PART 4

That this amendment of the Unified Development Ordinance shall become effective upon adoption.